

But we do know that people are resilient. When I got there, it had been 5 or 6 days since the peak of the water, which you are seeing in these pictures. People were already getting back into business. Businesses were opening. People are unbelievably resilient.

This picture of Wendy's is absolutely unbelievable at the height of the flood.

Belmont County and the village of Neffs, which I visited, experienced severe flash flooding—a different kind of water damage, a different type of flooding, but unbelievably devastating as well. I toured Neffs, and water was freely flowing in and out of houses as the long cleanup process began—again, another picture of what this looked like, not when I was there, but during the height of the storm.

Twenty Ohio counties are like this—20. Already, nearly 4,000 individuals in the disaster-declared counties have called to apply for assistance.

Part of the tragedy of the floods is that so many residents simply did not have the warning that they needed.

Senator VOINOVICH and I and Congressman STRICKLAND and Congressman NEY and others are asking the National Weather Service to give us an explanation for what happened because when I was in Marietta a number of people told us that night they received a flood warning, but then the National Weather Service took that warning off. People went to bed. Yet during the night the flood warning was put back on. Many businesspeople and homeowners, for example, whom I talked to simply were not prepared. The flood-water came up during the night and did tremendous damage. People were not prepared for that.

So our question to the Weather Service is, why was that mistake made? Why was the flood warning on, then off, and then back on again? It was very misleading to people, and we want to know exactly what the explanation is. We have written to the Weather Service and we want a full explanation about that.

One of the most heartening things, though—you see this, and I have seen it before in Ohio; I know we have seen it across the country—is the number of people who help neighbors, who come out and do unbelievable work. They come out of nowhere and volunteer. I saw amazing displays of human kindness, generosity of the human spirit, neighbors helping each other get their lives back together. As they have done so many times before, Ohioans have pulled together as part of a community effort to reclaim their houses and businesses from the floodwaters.

I met a woman, for example, who is originally from Neffs, the town I was talking about, but now lives in Columbus and works at Ohio State. She asked for 4 days of vacation time—it was granted—so she could go back home, back to Neffs and help with the cleanup. She joined several other volunteers to help serve meals in the basement of one of the local churches, a place I had the occasion to visit.

It is that kind of spirit we see. This is one of the countless acts of generosity exhibited by people that I saw.

I saw a business, for example, in Marietta. The woman who was cleaning up—it was horrible; all her inventory had mud all over it; it was a mess—she said: Senator, come in the back. I want to show you something. I went back with her, and clear in the back through her business, back in the back alley. And she said: Look. There were people there who came in to volunteer, and they had an assembly line, and they were washing the inventory she had, these little toys, these little different things.

It was an amazing thing to see. These were all volunteers, all people who came in. They had some adults and some younger kids who were in there who were volunteering and helping her.

I saw another man in Marietta. He was cleaning up his business. He took me back and showed me where there was a piano. He said: You will not believe this story. He said: The flood kept coming up and coming up and coming up. We were up in the second story of our house. He said: I kept taking pictures and posting them on the Internet. All of a sudden my phone rang. I couldn't figure out who was calling me.

He said the person who called on the phone said: Are you—and the person said his name. He answered: Yes, this is such-and-such business.

He said: We are outside.

He said: You can't be outside. There is nothing but water outside.

He said: Well, look outside.

So he went to his window on the second story and there were a couple guys in a row boat. And they said: We are here to help you. And they had come in from the countryside, rode their boat into Marietta, and they had some cement blocks they had brought because they had heard that his piano was getting soaked and he couldn't do anything about it. It was getting ruined. So they brought that boat in, landed the boat in his place of business, tied the boat up, unloaded the cement blocks, lifted the piano up, put the cement blocks under the piano so the piano would not get wet.

He said: I had never seen those guys before. They left and I still don't know who they are. But I had tears coming out of my eyes when they left because I couldn't believe it, that someone would do that for me.

That is the type of thing you see, in spite of all the horror, replicated not only in Ohio but across this country.

I must also say, I was so impressed by the work of the men and women of the Ohio National Guard—they always do a great job—the Ohio Emergency Management Agency, the great professionals who are always there; FEMA; the county directors, their staffs, countless other volunteers who have worked tirelessly to help bring food, clean water to the area. They have already distributed almost \$5 million in disaster assistance and continue to

work as we speak tonight. We appreciate their efforts and thank them.

It is going to take months before these flood-ravaged communities return to normal. We must make sure to employ every resource available to make sure Ohioans can get back in their homes and back to their jobs, the day-to-day business, as soon as possible. It has been rough going for so many different people in Ohio.

I, again, thank all those who have volunteered and assisted in the cleanup and rebuilding. I know what I saw in Ohio with our flood damage has been replicated in so many other States, not just in this country but in other countries. There are many other people hurting.

I came to the floor tonight to share with my colleagues what I saw as I traveled around my State last week. It is so heartening to see how people fight back. I know this Congress will continue to be of assistance and of help to them as we reach out to all the victims of the hurricanes and we give them a hand up and help them through this crisis.

My experience has been that in the immediate days after the hurricanes and flooding, it is always tough. But the weeks and months even beyond that are tough as well. We are not going to forget them. I know my colleagues in the Senate will not forget them, and the Federal Government will not forget them. We need to let them know we are still going to be there with them through the Federal agencies and be of assistance.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Oklahoma.

#### COMMERCIAL SPACE LAUNCH ACT

Mr. INHOFE. Mr. President, I have had the honor for almost 50 years now of being active in aviation. I have had occasion to fly almost every kind of airplane that is up there, and it is an experience that not many people get a chance to have in their normal lives. Something is on the horizon right now that is an opportunity for people to do, things that they never dreamed possible; that is, to feel and to experience the thrill of flight into space.

Yesterday marked a very significant day in history. Today, the SpaceShipOne, designed by Burt Rutan, who happens to be a friend of mine, and piloted by Mike Melvill, who is a 62-year-old pilot, made the first flight of the two required flights to claim the \$10 million Ansari X-Prize for carrying three people, or an equivalent weight, to space twice within 2 weeks.

The brilliant concept of the Ansari X Prize exemplifies the excellence that can be achieved through an incentivized approach rather than a governmental mandate of punitive approach. To incentivize and safely get government out of the way is the philosophy of the Commercial Space

Launch Amendments Act of 2004, H.R. 3752. Tempt not only the pocketbook but also the vision of anyone who has the creativity and imagination to pursue it.

Space programs originally sprang to life in the face of international competition. The realities of the cold war stimulated creativity, and innovation in a dramatic new way. This government and NASA responded with successes that dazzled even the most optimistic dreamer.

Since then, space advances have gone through the same channels with the same motivation, but without the urgency and vision of "The Space Race."

The Ansari X Prize is a refreshing new appeal to anyone who has the faith and vision to respond. It is an appeal that looks for the likes of Charles Lindbergh—people who will think within the restraints of practicality but without the restraints of a rutted concept of how it is supposed to be done.

I am grateful that this competition is doing what it was designed to do: spur a budding industry in commercial human space flight. Today's flight paves the way for making space flight available to the public, a long-time dream of many. Just imagine, ordinary people will be able to experience the thrill of flying in space. But despite the existing technology to make this dream possible, there are some obstacles.

One such barrier stems from this body. The text of my bill, S. 2772, the Space CHASE Act, should pass the Senate right now as an amendment to H.R. 3752. H.R. 3752 readily passed the House of Representatives in March by a vote of 402 to 1. The House of Representatives and the Federal Aviation Administration have agreed to the improvements embodied in my Space CHASE Act, so it is better than the bill that passed the House by 402 to 1. However, some Democrats are blocking this legislation that is vital to the fledgling commercial space industry.

The legislation would define FAA licensing rules for suborbital flights, as well as require passengers to sign waivers of legal liability. Without such a waiver, the investors fear excessive lawsuits by trial lawyers. Without investors, many of these fledgling entrepreneurial space companies will not be able to get off the ground, both literally and figuratively.

Unfortunately, some Democrats want to cater to the trial lawyers who want the ability to file frivolous lawsuits and collect millions of dollars should something go wrong on a flight. Perhaps even more frustrating is that they will not explain exactly why they are objecting.

Aviation Week is a magazine I have subscribed to for many years. It is a publication I have grown to respect. I have read it with frequency over the years. It has an excellent article in its September 27, 2004, edition. It states:

One or more Democrats on the Senate Commerce Committee are holding up this

bill, and, maddeningly, no one will say publicly what they object to.

They are holding it up, and they won't say why they are holding it up.

If they do not pass it, part of their legacy may be that of having strangled an infant industry in the crib.

I compliment the chairman of the committee, Senator McCain. He has been very helpful. But there are some Democrats we can't identify, as the Aviation Week publication states.

I ask unanimous consent that these four pages of Aviation Week be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INHOFE. Mr. President, I also want to call to the attention of the Senate a letter from nine discrete enterprises that are on the cutting edge of this burgeoning industry. They all endorse the text of my Space CHASE Act and call for the immediate passage of my legislation as a substitute language for a thus-perfected H.R. 3752.

I commend these entrepreneurs by name: Jeff Greason, XCOR Aerospace; John Carmack, Armadilla Aerospace; Elon Musk, Space X; George French, Rocketplane, Ltd.; Eric Anderson, Space Adventures; Honorable Andrea Seastrand, California Space Authority; Bill Khourie, Oklahoma Space Industry Development Authority; Brian Chase, Space Foundation; Greg Allison, Chairman, Executive Committee, National Space Society.

I ask unanimous consent that their letter also be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. INHOFE. Mr. President, it is a shame when we pander to trial lawyers and allow them to kill an industry before it is able to get off the ground.

I urge these Democrats to stop the obstruction and pass this important legislation that will let the American people have the freedom to experience space, the final frontier.

#### EXHIBIT 1

[From Aviation Week & Space Technology, September, 2004]

#### COMMERCIAL SPACE—AT A TIPPING POINT

"I have such faith in the private sector that I've dreamed of the day that government monopoly would be replaced by commercialization or at least some form of partnership." Those words, on the prospects of private manned spacecraft and industrial space stations, were penned by President Ronald Reagan in a letter to Aviation Week & Space Technology's publisher in March 1985.

It has taken two decades, but now there are tangible indications that such a dream could indeed become a reality. Many of them are detailed in this week's cover story (see p. 54) and in the lead article of our World News and Analysis section (see p. 26) But one of the most visible indications is yet to come.

This week, Scaled Composites' SpaceShipOne is set to make the first of the two required flights to claim the \$10 million Ansari X-Prize far hauling three people (or

an equivalent mass) to the edge of space twice within two weeks. The prize could be won as early as next week. Designer Burt Rutan and/or the team's backer, Microsoft billionaire Paul Allen, may even climb in for the ride.

Should Rutan's crew stumble, there are others fast on their heels. A half-dozen or more serious competitors have spent many times the prize money in developing their vehicles. That is exactly what Peter Diamandis had in mind when he organized the X-Prize Foundation a decade ago to seed a private human spaceflight industry, and our hat is off to him.

Dating even further back, there were entrepreneurs saying that making human spaceflight both reliable and affordable was possible with existing technology. The problems, they said, were not technical but financial and political, even psychological.

Unintentionally, NASA made it hard for these pioneers to attract capital. First, the agency was a competitor because it operated its own expensive vehicle, the space shuttle. Then, when NASA tried to develop a new, cheaper-to-operate reusable vehicle, it opted to include challenging cutting-edge technologies, making program execution difficult and expensive. As one might expect, when entrepreneurs went looking on Wall Street for money for their simpler projects, they were rebuffed by potential investors who believed human spaceflight was inherently costly, dangerous and prone to failure.

On top of that was a chicken-and-egg problem of economics. To drastically lower the costs of spaceflight, a vehicle needs to fly frequently. But to find enough customers to fly frequently, one needs to have low prices, and that requires low costs. The solution seemed to lie in new markets, and the one many believed could jump-start the private sector was "space tourism."

When the Russians began selling spare seats on Soyuz spacecraft to dot.com zillionaires and rock stars, it became harder to posit the economic impossibility of space tourism. But it was the first suborbital flight of SpaceShipOne to 100 km. altitude, back in June, that removed the giggle factor from discussions of space tourism. Pictures of pilot Mike Melvill sitting atop his privately financed craft and waving victoriously made the front pages of newspapers around the world.

Meanwhile, things had changed in the government. Many in Congress "got religion" on commercial space (more about that later). NASA began working seriously with startups such as Bigelow Aerospace on manned spacecraft. And Administrator Sean O'Keefe bought into the prize paradigm, seeing to it that the agency itself would sponsor some of these fledgling enterprises.

This week, Robert T. Bigelow will make some news on that front. He plans to announce a \$50-million "America's Space Prize," an orbital analog to the X-Prize. To be sure, taking humans into orbit and bringing them back safely is orders of magnitude more difficult than taking them on a sub-orbital ride, but don't dismiss the salutary effects of \$50 million.

Prizes have an important and glorious place in the history of flight, dating to the days of the Wrights, Curtiss and Santos-Dumont. The revolution in public understanding of the practicality and possibilities of aviation that Charles A. Lindbergh wrought in laying claim to the \$25,000 Orteig Prize in 1927 is widely seen as having been a necessary ingredient for the growth of an airline industry.

We might now be poised at a tipping point in public understanding of the commercial possibilities of human spaceflight. But if the X-Prize is to be remembered as something more than a stunt, there must be a legal

framework in place for market-based spaceflight to grow.

There is a measure pending in Congress that would go a long way to providing that framework—the Commercial Space Launch Amendments Act of 2004 (H.R. 3752)—but it has been stalled in the Senate for months. It would spell but FAA licensing rules for sub-orbital flights. Most critically, the bill would make it clear that paying passengers are “spaceflight participants” who understand the risks. And it would require them to sign waivers of legal liability. Without this provision, the prospect of relatives of passengers suing and collecting millions in damages following an accident would likely scare off investors. And without outside investors, many of today’s space entrepreneurs will go out of business in the not-too-distant future.

This bill is not some wild-eyed libertarian scheme. It passed the House in March by a vote of 402-1. Science Committee Chairman Sherwood Boehlert of New York, perhaps the “greenest” Republican in the House, even went along with a provision that would exempt these launchers from some environmental regulations. Admitting he first thought the legislation “flighty,” Boehlert says he came to see it as essential: “This is about a lot more than ‘joy rides’ in space, although there’s nothing wrong with such an enterprise. This is about the future of the U.S. aerospace industry.”

One or more Democrats on the Senate Commerce Committee are holding up this bill, and, maddeningly, no one will say publicly what they object to. Democrats say they want the job growth the Bush administration has failed to deliver. If they do, they ought to pass this bill. If they do not pass it, part of their legacy may be that of having strangled an infant industry in the crib.

#### SHOW TIME

(By Craig Covault)

The Scaled Composites SpaceShipOne sub-orbital vehicle that will attempt this week and next to twice rocket above 100 km. to claim the \$10-million Ansari X-Prize highlights a major new wave of commercial space activity taking stride into early October.

The initiatives include the planned announcement this week of a new, much larger \$50-million “America’s Space Prize” to spur private development of an orbital space transport that by 2010 could carry 5-7 astronauts to an orbiting station.

The new America’s Space Prize is being initiated by millionaire developer Robert T. Bigelow who wants a low-cost manned transport to take crews to Bigelow Aerospace inflatable space modules under development in North Las Vegas, Nev. (see cover and p. 54).

Until recently, individual commercial space “wannabes” struggled for technical competence and respectability.

But a more business-like approach by commercial space company managers coupled with their innovative use of technology is enabling them to capture bigger government contracts, such as the \$42 million just awarded by the Defense Advanced Research Projects Agency (Darpa) for quick reaction launch developments.

The new commercial companies are also increasingly “breaking down the hidebound bureaucracies” of NASA and the larger aerospace companies, says Courtney Stadd, NASA’s former chief of staff. He says commercial space is beginning to do this with a more diverse, and increasingly capable base of dynamic new companies, staffed with younger engineers more representative of the future than the past.

They are forming in effect “a new national incubator for technology and talent” that aerospace industry can draw upon for major

innovation, says Stadd, who has long been affiliated with commercial space start-ups.

Private/commercial ventures like SpaceShipOne carry an inherent high-risk of failure, including the risk of a fatal accident. But the new commercial space industry is far more steered to accept and recover from failure than it was earlier, Stadd said.

Several new commercial space milestones have just occurred or will occur by early October. They include:

SpaceShipOne X-Prize flights. The flights to capture the X-Prize are set for Sept. 29 and Oct. 4. at Mojave, Calif. Propulsion sub-contractor SpaceDev of Poway, Calif., itself a small commercial space company, has delivered to the Burt Rutan team three new SpaceShipOne systems carrying more synthetic rubber fuel and nitrous oxide oxidizer than used during the demonstration flight June 21 (AWST June 28, p. 28).

This is to provide more performance earlier in the profile when the vehicle is in the lower, more dense, atmospheric phase of flight. More performance at lower altitude is necessary so the engine can more assuredly propel the slightly heavier X-Prize configured vehicle higher than 62 mi. altitude.

Canadian Da Vinci X-Prize attempt. The Canadian Da Vinci Project plans to make its first try for the X-Prize with launch of a manned rocket from a balloon 80,000 ft. over Kindersley, Saskatchewan, as early as Oct. 2. SpaceDev’s “Dream Chaser” manned vehicle. In a major new development, SpaceDev has just signed an agreement with the NASA Ames Research Center for technology collaboration in the design of what initially would be a new higher-performance commercial manned suborbital vehicle capable of carrying 3-5 people to about 100 mi. altitude. This compares with about 62 mi. for the 1-3-person SpaceShipOne.

The new vehicle will be designed using the basic aerodynamic shape of the Orbital Sciences/U.S. Air Force X-34 demonstrator that never flew before cancellation. The X-34 concept, but not the original hardware, will be redesigned for manned vertical launch on suborbital flights as early as 2008, depending upon the flow of commercial or government funding for the program, said Jim Benson, SpaceDev chairman and CEO. SpaceDev and Ames will work on potential utilization of the vehicle by NASA, USAF or the private sector. Benson’s ultimate objective is to scale the Dream Chaser design to an orbital vehicle.

SpaceX Falcon 1 to Vandenberg. The first privately developed low-cost Falcon 1 unmanned orbital launch vehicle has been completed by SpaceX at its El Segundo plant and is to be taken late this week or early next to its launch pad at Vandenberg AFB, Calif. This major milestone could lead to the first launch by late November, if a static firing on the pad can be completed before the Western Range closes for upgrades throughout December, says Elon Musk, CEO of Space Exploration Technologies (SpaceX).

Musk told Aviation Week & Space Technology he now has four firm contracts with deposits for Falcon missions, including one just signed with the Malaysian Space Agency. Two others are from the U.S. government and one from Bigelow Aerospace for launch of a Genesis one-third scale inflatable module.

Commercial Zero-G flights. Amerijet International of Fort Lauderdale, Fla., has just become the first commercial airline ever to receive FAA certification for commercial parabolic weightless flight operations. The flights are to begin Oct. 9, at about \$3,000 per person. The project will use a Boeing 727-200 to conduct parabolic tourist flights out of the Fort Lauderdale/Hollywood, Fla., International Airport in connection with the Zero-6 Corp.

NASA Commercial Transportation Call. NASA has just issued a comprehensive “request for information” sounding out the aerospace industry for new concepts in commercial space transportation services related to the agency’s new exploration initiative. It is the single most comprehensive call for commercial space transportation concepts ever made by the agency. Responses, on which new contracting can be based, are due back next September.

Darpa/USAF Rapid Launch Awards. Nearly \$42 million in development contracts are just being awarded to four companies, mostly commercial space start-ups, as Phase II in the Darpa/USAF Falcon Small Launch Vehicle (SLV) program. The effort is designed to lead to a much more rapid launch capability for 1,000-lb. critical U.S. military satellites for less than \$5 million per mission.

Except for Lockheed Martin, which received \$11.6 million, all of the winners are small start-up companies. Lockheed’s concept builds on its Michoud, La., development of a hybrid powered system burning nontoxic fuel and liquid oxygen (AWST Feb. 3, 2003, p. 54).

There is a range of innovative launch concepts among the commercial start-up companies that won, but only AirLaunch would deploy its two-stage “QuickReach” liquid propellant booster from a C-17 that could be staged from literally any friendly airfield around the world.

It won \$11.3 million to explore the concept that could provide great launch flexibility. Several small commercial space companies including Space Vector Inc. of Chatsworth, Calif., and Universal Space Lines of Newport Beach, Calif., are part of the AirLaunch team.

Another winner was Microcosm of El Segundo, Calif., that is developing the simple liquid oxygen/kerosene pressure-fed “Scorpius” engine system. Microcosm won \$10.4 million to further develop its 52-ft.-long Sprite launcher using a six-barrel cluster of the engines to provide 120,000 lb. of liftoff thrust.

SpaceX, also based in El Segundo, won \$8 million for its Falcon launcher. The project, by coincidence, has the same name as the overall Air Force/Darpa program.

All of the selected companies are to conduct 10-month preliminary design studies toward a downselect to one or more competitors that will perform an actual launch in 2007.

But since SpaceX is more advanced in hardware fabrication than the other competitors, Darpa and USAF have asked it to perform an “Early Responsive Launch Test” with a Falcon 1 launch about July 2005. Musk said the objective will be to cut the Falcon’s launch pad time by 50%—to just one week.

This Aviation Week & Space Technology editor recently saw the first Falcon flight vehicle in final assembly at the SpaceX plant in El Segundo.

It is being readied this week for the trip to Vandenberg AFB and mounting on its launch pad.

The flight engines have completed their final pre-integration qualification tests at SpaceX test facilities near McGregor, Tex., and development engines and components continue to be tested at the site. Earlier turbopump problems have been solved. But some other engine components, earlier made of aluminum, have been switched to Inconel because of a hairline crack found in one several weeks ago.

The Falcon 1 first stage will likely end up weighing less than its specification weight—a highly positive factor. This is because earlier delays allowed the program enough time to switch a composite interstage for a heavier aluminum structure, saving about 150 lb.

Also switching the overall thrust frame from steel to titanium has saved another 100 lb. These improvements will be especially helpful when the vehicle eventually begins to launch heavier payloads, Musk said.

## EXHIBIT 2

SEPTEMBER 21, 2004.

Senator JOHN MCCAIN,  
*Chair, Committee on Commerce, Science, & Transportation, 241 Russell Building, Washington, DC.*

Senator SAM BROWNBACK,  
*Chair, Subcommittee on Science Technology, & Space, 303 Hart Building, Washington, DC.*

Senator ERNEST HOLLINGS,  
*Ranking Member, Committee on Commerce, Science, & Transportation, 125 Russell Building, Washington, DC.*

Senator JOHN BREAUX,  
*Chair, Subcommittee on Science Technology, & Space, 503 Hart Building, Washington, DC.*

DEAR SIRs, we are writing to respectfully urge that the Senate Committee on Commerce, Science and Transportation quickly report out and secure Senate passage of a perfected H.R. 3752, the Commercial Space Launch Amendments Act of 2004.

As you know, the U.S. commercial expendable launch vehicle industry is challenged by a highly competitive international market, and NASA's recent orbital reusable launch vehicle development programs have not been successful. Fortunately, the recent emergence of a suborbital reusable launch vehicle industry demonstrates that American entrepreneurs are bringing new private resources and ideas to bear on the vital goal of advancing U.S. space transportation capabilities and competitiveness, largely to pursue new commercial human spaceflight markets.

The Commercial Space Launch Act of 1984 (CSLA) as amended (49 U.S.C. 70101 et seq.) gives the Secretary of Transportation sole regulatory authority over commercial space transportation, which has been delegated to the FAA's Office of the Associate Administrator for Commercial Space Transportation (ASST). That jurisdiction includes launches of a 'suborbital rocket' on a 'suborbital trajectory,' but unfortunately those terms were never defined in law. Furthermore, the CSLA is silent on the issue of whether such vehicles might carry persons. Therefore, confusion has developed as to whether some of these suborbital RLVs might be regulated as a rocket or an airplane, or worse still, as both. Last summer a joint hearing of the Senate Science, Technology, and Space Subcommittee and the House Space & Aeronautics Subcommittee heard strong and unanimous testimony that this regulatory uncertainty was a real and unnecessary barrier to private investment in, and therefore the success of, this new suborbital RLV industry, and that Congress needed to fill in the "legislative gap" in the CSLA.

To address this issue, the House Science Committee crafted H.R. 3752 after holding an additional public hearing, a private forum, and extensive individual consultations with a broad range of interested and disinterested parties. The legislation not only creates the regulatory clarity needed by industry, but strikes an important balance among competing public policy objectives.

For example, the legislation continues the CSLA's priority of protecting the safety of the uninvolved public, and also affirms FAA/AST's authority to set safety-related requirements for crew in these new vehicles. H.R. 3752 and its committee report also directs FAA to promulgate regulations requiring the full disclosure of the safety records of human spaceflight vehicles and their operating companies to all prospective customers, giving them informed consent. (This

is very different from the laissez faire approach which existed during the barnstorming days of aviation.)

The bill also creates a new, streamlined experimental permit regime that allows for expedited review of non-revenue flight test of vehicles so that companies can demonstrate safe operating records before proceeding to revenue flight. It should be noted that flights under experimental permits would not be eligible to receive federal indemnification against third party claims, and even during revenue flight the spaceflight participants would not be eligible to receive indemnification.

For all of these reasons, H.R. 3752 was sponsored by the committee's bipartisan leadership, and passed the House of Representatives by the overwhelming vote of 402 to 1 in March of this year.

In recent months, Congressional staff, the FAA, and various industry participants have developed compromise language that would provide greater clarity over regulatory jurisdiction of so-called hybrid suborbital rockets. With these changes, which are attached to this letter, H.R. 3752 is ready for final consideration in and passage by the Committee on Commerce, Science, and Transportation Committee and the full Senate.

We, the undersigned leaders of this industry and supporting public policy organizations, therefore respectfully urge you to support this consensus amendment and send a perfected H.R. 3752 to the Senate floor this month for passage by unanimous consent so it can be reconsidered by the House and enacted into law before the November election.

Truly yours,

Jeff Greason, XCOR Aerospace; Elon Musk, Space X; Eric Anderson, Space Adventures; Bill Khourie, Oklahoma Space Industry Development Authority; Greg Allison, Chairman, Executive Committee National Space Society; John Carmack, Armadillo Aerospace; George French, Rocketplane, Ltd; Hon. Andrea Seastrand, California Space Authority; Brian Chase, Space Foundation.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROMOTION OF COLONEL ROBERT T. HERBERT

Mr. REID. Mr. President, in our closing tonight, we are going to advance a number of military officers who have been reported out of the Armed Services Committee today.

It was with a special pleasure today that I spoke to Senator LEVIN and he told me that COL Robert T. Herbert had been reported out of the Armed Services Committee. Robert T. Herbert runs my Las Vegas office. Seventy-two percent of the people in the State of Nevada live in the Metropolitan Las Vegas area. He has an extremely important, responsible job for the people of the State of Nevada to make sure that what goes on in Nevada—especially on a Federal level—is something

that he is aware of and I am aware of. He does a wonderful job. He is such a good person. Tonight, he will be no longer a Lieutenant Colonel but will become a full Colonel in the Nevada Army National Guard.

My friend, Bob Herbert, grew up as the son of a military man, retired Master Sergeant Robert W. Herbert. Bob, my employee, decided at an early age that he wanted to become a military pilot. So even before he graduated from high school, he joined the Army. Of course, he is well educated. He did graduate from high school. He now has a master's degree from George Washington University. He worked very hard to get that. He graduated from high school in Slinger, WI, and went to basic training, and then on to flight school. He was immediately thereafter assigned to Germany where he flew patrols along the borders between East and West Germany. This, as we all know, were the front lines of the Cold War.

After he was reassigned from Germany, Colonel Herbert completed his undergraduate work at Embry-Riddle Aeronautical University. He then went to test pilot school and became an Army test pilot.

As a test pilot, he flew helicopters which, as we all know, are so important not only in modern military missions but also for important jobs at home, such as fighting fires and the emergency transport of accident victims.

I just finished a telephone conversation with my friend Don Phillips—my friend of longstanding who lives in Lincoln County, NV, in Caliente actually, 145 miles from Las Vegas—and a helicopter took his wife Dorothy to a hospital in Las Vegas where she is very ill. Helicopters are important for all kinds of uses.

All these years, Bob has been moving around from place to place, and he wanted someplace to settle down. One of his fellow test pilots was a man named Randy Sayre who was from Fallon, NV. He told Colonel Herbert what hundreds of thousands of other people have discovered—that Nevada is a great place to live.

So when Bob got out of the Army, he moved to Reno and joined the Nevada Army National Guard. About that time, as a member of the Appropriations Defense Subcommittee, I learned that Bob Herbert was really good. He is someone whom I met. He had connections in the military circles in Nevada. I had heard about Bob, that he was not only good with military matters but also good with numbers.

At my request, he arranged to come to Washington and work in Washington as a fellow with the Brookings Institution. He was assigned to me. During that time, I had the privilege of pinning Bob with his Lieutenant Colonel insignia when he made that rank.

I also grew to depend on his judgment and advice, not just about military matters but about many other